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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MASOUMEH MOTEVALLI  
ALAMOUTI, individually and as  
successor-in-interest to Masoud Rahmati,  
deceased; and MOSHEN RAHMATI,  
individually,

Plaintiffs,

v.

COUNTY OF LOS ANGELES;  
YVONNE PULLEN; RYAN GARCIA;  
BRISEIDA NOCHEZ; RENE AGUILAR  
ORNELAS; JOEL LEYVA; ANDREW  
WISE; JASON GONZALEZ; BART  
MARSHALL; MICHAEL MAYBEE; and  
OLUWASANMI OGUNJUMO,

Defendants.

Case No. 2:24-cv-05560-MWC-JC

**FIRST AMENDED COMPLAINT  
FOR DAMAGES**

1. Fourteenth Amendment – Failure to Protect (42 U.S.C. § 1983)
2. Fourteenth Amendment – Denial of Medical Care (42 U.S.C. § 1983)
3. First/Fourteenth Amendment – Interference with Familial Relations (42 U.S.C. § 1983)
4. Municipal Liability – Failure to Train (42 U.S.C. § 1983)
5. Municipal Liability – Unconstitutional Custom, Policy, or Practice (42 U.S.C. § 1983)
6. Americans With Disabilities Act (42 U.S.C. § 12132)
7. Negligence – Wrongful Death and Survival
8. Failure to Summon Medical Care (Cal. Gov. Code § 845.6)
9. Bane Act (Cal. Civ. Code § 52.1)

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR DAMAGES**

2 COMES NOW, Plaintiffs MASOUMEH MOTEVALLI ALAMOUTI,  
3 individually and as successor in interest to Masoud Rahmati, deceased; and MOSHEN  
4 RAHMATI, individually, for their Complaint against Defendants, COUNTY OF LOS  
5 ANGELES (including its Los Angeles Sheriff's Department and its Men's Central  
6 Jail); YVONNE PULLEN; RYAN GARCIA; BRISEIDA NOCHEZ; RENE  
7 AGUILAR ORNELAS; JOEL LEYVA; ANDREW WISE; JASON GONZALEZ;  
8 BART MARSHALL; MICHAEL MAYBEE; and OLUWASANMI OGUNJUMO,  
9 hereby alleges as follows:

10 **INTRODUCTION**

11 1. This civil rights action arises out of the June 13, 2023, failure to protect  
12 Decedent Masoud Rahmati by Defendants COUNTY OF LOS ANGELES, YVONNE  
13 PULLEN, RYAN GARCIA, BRISEIDA NOCHEZ, RENE AGUILAR ORNELAS,  
14 JOEL LEYVA, ANDREW WISE, JASON GONZALEZ, BART MARSHALL,  
15 MICHAEL MAYBEE, and OLUWASANMI OGUNJUMO, when they knowingly  
16 allowed Mr. Rahmati to be fatally beaten by other inmates, and out of these  
17 defendants' failure to provide any medical care to Mr. Rahmati for approximately  
18 three and a half hours following the beating, during which time Mr. Rahmati was  
19 critically injured and in extreme pain. Plaintiffs seek compensatory damages, punitive  
20 damages, attorney's fees, and costs from Defendants for violating various rights  
21 guaranteed to Mr. Rahmati and Plaintiffs by the United States Constitution, the  
22 California Constitution, and other California law.

23 **JURISDICTION AND VENUE**

24 2. This Court has original jurisdiction pursuant to 28 U.S.C. §1331 and  
25 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the United  
26 States, including 42 U.S.C. § 1983 and the First and Fourteenth Amendments of the  
27 United States Constitution. This Court has supplemental jurisdiction over Plaintiff

MASOUMEH MOTEVALLI ALAMOUTI's claims arising under state law pursuant to 28 U.S.C. §1367(a), because those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

3. Venue is proper in this Court because all incidents, events, and occurrences giving rise to this action occurred in the County of Los Angeles, California.

4. The survival claims in this action are joined with the individual wrongful death claims pursuant to CCP § 377.62, as all claims arise out of the same wrongful acts or neglect.

5. Plaintiffs filed timely claims under Government Code Section 911.2 et al., and bring pendant actions under state law. Plaintiffs' claims were rejected by operation of law on January 22, 2024.

### **PARTIES**

6. At all relevant times, Masoud Rahmati ("Mr. Rahmati") was a 50-year-old man residing in the County of Los Angeles.

7. MASOUMEH MOTEVALLI ALAMOUTI is an individual residing in Iran and was at all relevant times the natural mother of Mr. Rahmati. MASOUMEH MOTEVALLI ALAMOUTI sues in her individual capacity as the mother of Mr. Rahmati and also as Mr. Rahmati's successor-in-interest. MASOUMEH MOTEVALLI ALAMOUTI seeks both survival and wrongful death damages under federal and state law, as well as punitive damages against the individual defendants.

8. MOSHEN RAHMATI is an individual residing in Los Angeles, California, and was at all relevant times the natural brother of Mr. Rahmati. MOSHEN RAHMATI sues in his individual capacity as the brother of Mr. Rahmati. MOSHEN RAHMATI seeks wrongful death damages under federal law, as well as punitive damages against the individual defendants. During the period until Mr. Rahmati's detention, Mr. Rahmati cohabitated with MOSHEN RAHMATI at MOSHEN RAHMATI's home.

1 9. At all relevant times, Defendant COUNTY OF LOS ANGELES (“COUNTY”)  
2 is and was a duly organized public entity, form unknown, existing under the laws of  
3 political subdivision for the State of California with the capacity to be sued.

4 COUNTY is responsible for the actions, omissions, policies, procedures, practices,  
5 and customs of its various agents and agencies, and employees, including the Los  
6 Angeles County Sheriff’s Department (“LASD”) and its agents and employees, the  
7 Men’s Central Jail (“MCJ”) and its agents and employees. At all relevant times,  
8 Defendant COUNTY was responsible assuring that the actions, omissions, policies,  
9 procedures, practices, and customs of the COUNTY and its employees and agents  
10 complied with the laws of the United States and the State of California. At all  
11 relevant times, COUNTY was the employer of all named Defendants, including DOE  
12 Defendants.

13 10. Defendant YVONNE PULLEN (“PULLEN”) is a deputy for the LASD who, at  
14 all relevant times, was working at the MJC as a correctional officer. Defendant  
15 PULLEN was at all relevant times acting under color of law and within the course and  
16 scope of her duties as a deputy for the LASD and the COUNTY. Defendant PULLEN  
17 was acting with complete authority and ratification of her principal, Defendant  
18 COUNTY.

19 11. Defendant RYAN GARCIA (“GARCIA”) is a deputy for the LASD who, at all  
20 relevant times, was working at the MJC as a correctional officer. Defendant GARCIA  
21 was at all relevant times acting under color of law and within the course and scope of  
22 his duties as a deputy for the LASD and the COUNTY. Defendant GARCIA was  
23 acting with complete authority and ratification of his principal, Defendant COUNTY.

24 12. Defendant BRISEIDA NOCHEZ (“NOCHEZ”) is a deputy for the LASD who,  
25 at all relevant times, was working at the MJC as a correctional officer. Defendant  
26 NOCHEZ was at all relevant times acting under color of law and within the course  
27 and scope of her duties as a deputy for the LASD and the COUNTY. Defendant

1 NOCHEZ was acting with complete authority and ratification of her principal,  
2 Defendant COUNTY.

3 13. Defendant RENE AGUILAR ORNELAS (“ORNELAS”) is a deputy for the  
4 LASD who, at all relevant times, was working at the MJC as a correctional officer.  
5 Defendant ORNELAS was at all relevant times acting under color of law and within  
6 the course and scope of his duties as a deputy for the LASD and the COUNTY.  
7 Defendant ORNELAS was acting with complete authority and ratification of his  
8 principal, Defendant COUNTY.

9 14. Defendant JOEL LEYVA (“LEYVA”) is a deputy for the LASD who, at all  
10 relevant times, was working at the MJC as a correctional officer. Defendant LEYVA  
11 was at all relevant times acting under color of law and within the course and scope of  
12 his duties as a deputy for the LASD and the COUNTY. Defendant LEYVA was acting  
13 with complete authority and ratification of his principal, Defendant COUNTY.

14 15. Defendant ANDREW WISE (“WISE”) is a deputy for the LASD who, at all  
15 relevant times, was working at the MJC as a correctional officer. Defendant WISE  
16 was at all relevant times acting under color of law and within the course and scope of  
17 his duties as a deputy for the LASD and the COUNTY. Defendant WISE was acting  
18 with complete authority and ratification of his principal, Defendant COUNTY.

19 16. Defendant JASON GONZALEZ (“GONZALEZ”) is a deputy for the LASD  
20 who, at all relevant times, was working at the MJC as a correctional officer.  
21 Defendant GONZALEZ was at all relevant times acting under color of law and within  
22 the course and scope of his duties as a deputy for the LASD and the COUNTY.  
23 Defendant GONZALEZ was acting with complete authority and ratification of his  
24 principal, Defendant COUNTY.

25 17. Defendant BART MARSHALL (“MARSHALL”) is a deputy for the LASD  
26 who, at all relevant times, was working at the MJC as a correctional  
27 officer/supervisor. Defendant MARSHALL was at all relevant times acting under

1 color of law and within the course and scope of his duties as a deputy for the LASD  
2 and the COUNTY. Defendant MARSHALL was acting with complete authority and  
3 ratification of his principal, Defendant COUNTY.

4 18. Defendant MICHAEL MAYBEE (“MAYBEE”) is a deputy for the LASD who,  
5 at all relevant times, was working at the MJC as a correctional officer/supervisor.  
6 Defendant MAYBEE was at all relevant times acting under color of law and within  
7 the course and scope of his duties as a deputy for the LASD and the COUNTY.  
8 Defendant MAYBEE was acting with complete authority and ratification of his  
9 principal, Defendant COUNTY.

10 19. Defendant OLUWASANMI OGUNJUMO (“OGUNJUMO”) is a deputy for the  
11 LASD who, at all relevant times, was working at the MJC as a correctional  
12 officer/supervisor. Defendant OGUNJUMO was at all relevant times acting under  
13 color of law and within the course and scope of his duties as a deputy for the LASD  
14 and the COUNTY. Defendant OGUNJUMO was acting with complete authority and  
15 ratification of his principal, Defendant COUNTY.

16 20. Defendants PULLEN, GARCIA, NOCHEZ, ORNELAS, LEYVA, WISE,  
17 GONZALEZ, MARSHALL, MAYBEE, and OGUNJUMO (collectively, the “Deputy  
18 Defendants”) are sued in their individual capacities.

19 21. On information and belief, Defendants PULLEN, GARCIA, NOCHEZ,  
20 ORNELAS, LEYVA, WISE, GONZALEZ, MARSHALL, MAYBEE, and  
21 OGUNJUMO were residents of the County of Los Angeles, California.

22 22. In doing the acts and failing and omitting to act as hereinafter described,  
23 Defendants PULLEN, GARCIA, NOCHEZ, ORNELAS, LEYVA, WISE,  
24 GONZALEZ, MARSHALL, MAYBEE, and OGUNJUMO, were acting on the  
25 implied and actual permission and consent of Defendant COUNTY, and LASD and  
26 the MCJ.

27 23. All of the acts complained of herein by Plaintiffs against Defendants were done

1 and performed by said Defendants by and through their authorized agents, servants,  
2 and/or employees, all of whom at all relevant times herein were acting within the  
3 course, purpose, and scope of said agency, service, and/or employment capacity.

4 Moreover, Defendants and their agents ratified all of the acts complained of herein.

5 24. On December 7, 2023, Plaintiffs filed comprehensive and timely claims for  
6 damages with the County of Los Angeles pursuant to applicable sections of the  
7 California Government Code. The claims were rejected by operation of law on  
8 January 22, 2024.

9 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

10 25. Plaintiffs repeat and re-allege each and every allegation in the foregoing  
11 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

12 26. In early June of 2023, Mr. Rahmati resided in Men's Central Jail ("MCJ"). On  
13 information and belief, Mr. Rahmati was a pretrial detainee at MCJ and had not been  
14 tried or convicted for the alleged crime of arrest that precipitated his detention.

15 27. On information and belief, Mr. Rahmati was housed on the Fifth Floor of MCJ,  
16 which is, or at that time was, reserved for mentally ill inmates and detainees. Mr.  
17 Rahmati suffered from one or more serious mental illnesses.

18 28. On information and belief, Defendants were at all relevant times aware that all  
19 inmates and detainees on the Fifth Floor suffered from mental illnesses, including  
20 severe mental illnesses.

21 29. On or around the morning of June 13, 2023, Mr. Rahmati was in the bathroom  
22 adjacent to the bunk room of his assigned housing unit, when approximately three  
23 other inmates approached him and forced him toward the shower area. Once Mr.  
24 Rahmati was near the showers, these inmates began to beat Mr. Rahmati in the face  
25 and torso, including with their fists, causing Mr. Rahmati to fall to the ground. Once  
26 Mr. Rahmati fell, these inmates continued to beat and kick him in the face, torso,  
27



1 arms, and legs, causing him life-threatening injuries and extreme pain. On information  
2 and belief, this beating occurred over the course of at least several minutes.

3 30. Following this beating, these inmates exited the bathroom area, leaving Mr.  
4 Rahmati on the floor near the showers, beaten, critically injured, and in extreme pain.  
5 Mr. Rahmati remained on the floor in this condition, unattended to by anyone,  
6 including the Deputy Defendants, for approximately an hour and a half after the  
7 beating ended.

8 31. On information and belief, the entirety of Mr. Rahmati's encounter with the  
9 other inmates and of the beating in the bathroom was captured on a surveillance video  
10 feed, which was both recorded and viewable in real-time by LASD and MCJ officials,  
11 including MARSHALL, MAYBEE, and OGUNJUMO, from one or more control  
12 rooms within MCJ.

13 32. On information and belief, one or more of MARSHALL, MAYBEE,  
14 OGUNJUMO, and DOES 9-10 observed the beating in real-time via the surveillance  
15 video feed while the beating was occurring but took no action whatsoever to stop the  
16 other inmates from beating Mr. Rahmati or to otherwise assist Mr. Rahmati, including  
17 by providing or summoning medical assistance. Further, on information and belief,  
18 one or more of MARSHALL, MAYBEE, and OGUNJUMO had access to the live  
19 video feed showing the beating in real-time, but elected not to observe the live video  
20 feed, and/or elected to engage in other tasks instead of observing the live video feed,  
21 even though one or more of MARSHALL, MAYBEE, OGUNJUMO, and DOES 9-10  
22 was responsible for observing the live video feed to ensure inmate/detainee safety.  
23 Further, on information and belief, one or more of PULLEN, GARCIA, NOCHEZ,  
24 ORNELAS, LEYVA, WISE, and GONZALEZ failed to perform regular checks of the  
25 bathroom where the beating occurred or the bunk area to which it was connected,  
26 despite having a responsibility to do so.  
27



1 33. Approximately an hour and a half after the beating, other inmates came into the  
2 shower area, where Mr. Rahmati was still lying on the floor, critically injured and in  
3 extreme pain, and dragged Mr. Rahmati out of the bathroom and into a bed in the  
4 bunk area of the housing unit. Mr. Rahmati remained on the bed in this condition,  
5 unattended to by anyone, including the Deputy Defendants for approximately two  
6 hours after he was brought into the bed by other inmates.

7 34. On information and belief, one or more of MARSHALL, MAYBEE, and  
8 OGUNJUMO observed Mr. Rahmati being dragged out of the bathroom by these  
9 inmates, beaten and critically injured, in real-time via the surveillance video feed, but  
10 took no action whatsoever to stop Mr. Rahmati from being dragged away in this  
11 manner or to otherwise assist Mr. Rahmati, including by providing or summoning  
12 medical assistance. Also on information and belief, one or more of the Deputy  
13 Defendants failed to adequately monitor the surveillance video feed and/or failed to  
14 conduct regular checks on the Fifth Floor.

15 35. On information and belief, despite one or more of MARSHALL, MAYBEE,  
16 OGUNJUMO, and DOES 9-10 being aware of the beating while it was occurring and  
17 afterward, and despite one or more of the Deputy Defendants being aware of Mr.  
18 Rahmati being dragged out of the bathroom into the bunk area in a beaten and  
19 critically injured condition, none of the Deputy Defendants called for medical  
20 assistance to Mr. Rahmati, or took any other action to ensure medical assistance was  
21 provided to him, during the approximately three and a half hours following the  
22 beating. During these approximate three and a half hours, one or more of the Deputy  
23 Defendants failed to adequately monitor the surveillance video feed and/or failed to  
24 conduct regular checks on the Fifth Floor.

25 36. Approximately three and a half hours after the beating, and approximately two  
26 hours after Mr. Rahmati was dragged out of the bathroom and into a bed, other  
27 inmates alerted one or more LASD and/or MCJ officials, including one or more of

1 PULLEN, GARCIA, NOCHEZ, ORNELAS, LEYVA, WISE, and GONZALEZ, that  
2 Mr. Rahmati was lying in a bunk bed and was severely injured.

3 37. After inmates notified these officials of Mr. Rahmati's condition, Mr. Rahmati  
4 succumbed to his injuries and died, having received no medical attention for  
5 approximately three and a half hours after the beating.

6 38. During the beating and the subsequent approximately three and a half hours  
7 thereafter, Mr. Rahmati experienced extreme pain and suffering and emotional  
8 distress.

9 39. As alleged above, the Deputy Defendants failed to take appropriate measures to  
10 protect Mr. Rahmati from violence at the hands of other inmates and/or detainees,  
11 including by failing to take any action to stop the beating of Mr. Rahmati while it was  
12 occurring despite their contemporaneous awareness that it was occurring.

13 40. The Deputy Defendants also failed to provide sufficient and immediate medical  
14 attention to Mr. Rahmati after he was beaten, including during the approximate hour-  
15 and-a-half period immediately following the beating, as well as during the subsequent  
16 approximate two-hour period after he was dragged out of the bathroom and into a bed.  
17 On information and belief, provision of timely medical attention to Mr. Rahmati could  
18 have prevented his death.

19 41. Defendants, including COUNTY and the Deputy Defendants, were negligent in  
20 their conduct, including but not limited to COUNTY's management of the MCJ. This  
21 negligent management includes, but is not limited to, allowing severe overcrowding  
22 conditions to persist in the MCJ and on its Fifth Floor; failing to provide mentally ill  
23 inmates and detainees residing on the Fifth Floor with adequate mental health care, or  
24 any mental health care treatment, including necessary medication; and failing to  
25 appropriately identify inmates and detainees who have a known propensity for  
26 violence, including as a result of untreated or inadequately treated mental illnesses,  
27 and separate them from other inmates and detainees in order to prevent foreseeable

1 violence against other inmates and detainees. The Deputy Defendants were further  
2 negligently trained with respect to providing mental health care to known mentally ill  
3 inmates and detainees, with respect to preventing and stopping violence against  
4 inmates and detainees, and with respect to providing or summoning medical care for  
5 injured inmates and detainees.

6 42. Each of the named and unnamed Defendants were integral participants in the  
7 failure to protect Mr. Rahmati, the denial of medical care to Mr. Rahmati, the  
8 negligent treatment of Mr. Rahmati, and other violations of Mr. Rahmati's rights, or,  
9 alternatively, failed to intervene to prevent these violations, despite each Defendant  
10 having a responsibility and realistic opportunity to intervene to prevent these  
11 violations.

12 **FIRST CLAIM FOR RELIEF**

13 **Fourteenth Amendment – Failure to Protect (42 U.S.C. § 1983)**

14 **(By MASOUMEH MOTEVALLI ALAMOUTI Against Defendants PULLEN,**  
15 **GARCIA, NOCHEZ, ORNELAS, LEYVA, WISE, GONZALEZ, MARSHALL,**  
16 **MAYBEE, and OGUNJUMO)**

17 43. Plaintiffs repeat and re-allege each and every allegation in the foregoing  
18 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

19 44. The Due Process Clause of the Fourteenth Amendment to the United States  
20 Constitution protects pretrial detainees from conditions of confinement or failures to  
21 prevent harm that amount to punishment without due process, including where jail or  
22 prison officials are deliberately indifferent to known risks of harm to detainees.

23 45. The Deputy Defendants intentionally housed Mr. Rahmati with other mentally  
24 ill inmates with a known proclivity for violence.

25 46. As alleged above, one or more of the Deputy Defendants had actual knowledge  
26 of the beating of Mr. Rahmati by other inmates/detainees while it was ongoing.

27 Further, as alleged above, one or more of Defendants MARSHALL, MAYBEE, and

1 OGUNJUMO were responsible for observing the bathroom area via the live video  
2 feed but instead elected not to do so. Further, as alleged above, one or more of  
3 Defendants PULLEN, GARCIA, NOCHEZ, ORNELAS, LEYVA, WISE, and  
4 GONZALEZ were responsible for conducting regular in-person checks of the  
5 bathroom area but instead elected not to do so.

6 47. Despite one or more of the Deputy Defendants having actual knowledge of the  
7 fact that Mr. Rahmati was being severely beaten while the beating was ongoing, these  
8 Defendants took no action whatsoever to intervene to stop the beating at any time,  
9 including by personally responding to the bathroom where the beating was occurring  
10 or by calling for other LASD and/or MCJ staff to respond there and stop the beating.  
11 These Defendants were objectively deliberately indifferent to the known risk that Mr.  
12 Rahmati would be seriously injured, and would be further injured as the beating  
13 progressed, when they took no action to respond or to request a response to the  
14 beating while it was ongoing. These actions and omissions on the part of these  
15 Defendants were sufficiently harmful to evidence deliberate indifference to Mr.  
16 Rahmati's serious risk of harm, and the indifference to Mr. Rahmati's risk of harm as  
17 alleged above was substantial.

18 48. Further, despite the Deputy Defendants having a responsibility to monitor the  
19 live video feed of the bathroom area and/or conduct regular in-person checks of the  
20 bathroom area, one or more of the Deputy Defendants elected not to perform these  
21 duties and to instead engage in other activities. These Defendants were objectively  
22 deliberately indifferent to the known risk that inmates/detainees, including Mr.  
23 Rahmati, would be attacked in the bathroom area and be seriously injured as a result,  
24 but nevertheless elected not to fulfill their responsibilities to observe the bathroom  
25 area via video feed and/or through in-person checks.

26 49. The Deputy Defendants thus made intentional decisions regarding Mr.  
27 Rahmati's confinement as alleged above. These conditions put Mr. Rahmati at a

1 substantial risk of suffering serious harm. The Deputy Defendants did not take  
2 reasonable measures to protect Mr. Rahmati from this risk despite obvious  
3 consequences of not acting upon the ongoing beating Mr. Rahmati was suffering, and  
4 by not taking action to protect Mr. Rahmati from same, the Deputy Defendants caused  
5 Mr. Rahmati's injury and death.

6 50. Mr. Rahmati's risk of harm was serious, in that the failure to respond to the  
7 beating of Mr. Rahmati by other inmates/detainees while it was ongoing resulted in  
8 Mr. Rahmati's death.

9 51. Mr. Rahmati was entitled to receive protection from the known risk of harm to  
10 his life while in the care and custody of the COUNTY while detained/incarcerated at  
11 MCJ. In doing the acts complained of, the Deputy Defendants failed to protect Mr.  
12 Rahmati from a known risk of serious harm in violation of his rights under the Due  
13 Process Clause of the Fourteenth Amendment.

14 52. The Deputy Defendants knew that failure to protect Mr. Rahmati could result in  
15 Mr. Rahmati being seriously injured or killed, but disregarded that serious risk,  
16 directly causing Mr. Rahmati great bodily harm and death.

17 53. Each of the several aforementioned actions and omissions of the Deputy  
18 Defendants, along with other undiscovered conduct, shocks the conscience, in that  
19 they acted with deliberate indifference to the constitutional rights of Mr. Rahmati. The  
20 Deputy Defendants were deliberately indifferent to a substantial risk of serious harm  
21 to Mr. Rahmati. The Deputy Defendants' conduct served no legitimate penological  
22 purpose.

23 54. The Deputy Defendants are liable for the failure to protect Mr. Rahmati, and for  
24 his injuries and death, either because they were integral participants in the failure to  
25 protect, or because they failed to intervene to prevent such violations.

26 55. As a direct and proximate result of the aforementioned conduct, Mr. Rahmati  
27 suffered injuries, including pain and suffering, and then died and lost his earning

1 capacity.

2 56. The conduct of the Deputy Defendants was willful, wanton, malicious, and  
3 done with a reckless disregard for the rights and safety of Mr. Rahmati, and therefore  
4 warrants the imposition of exemplary and punitive damages as to these Defendants.

5 57. Plaintiff MASOUMEH MOTEVALLI ALAMOUTI brings this claim as  
6 successor-in-interest to Mr. Rahmati and seeks survival damages under this claim.  
7 Plaintiff seeks damages, including for Mr. Rahmati's pain and suffering, loss of life,  
8 loss of earning capacity, and loss of enjoyment of life. Plaintiff also seeks reasonable  
9 costs and attorney's fees under 42 U.S.C § 1988 on this claim.

10 **SECOND CLAIM FOR RELIEF**

11 **Fourteenth Amendment – Denial of Medical Care (42 U.S.C. § 1983)**

12 **(By MASOUMEH MOTEVALLI ALAMOUTI Against Defendants PULLEN,**  
13 **GARCIA, NOCHEZ, ORNELAS, LEYVA, WISE, GONZALEZ, MARSHALL,**  
14 **MAYBEE, and OGUNJUMO)**

15 58. Plaintiffs repeat and re-allege each and every allegation in the foregoing  
16 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

17 59. The Due Process Clause of the Fourteenth Amendment to the United States  
18 Constitution protects pretrial detainees from conditions of confinement or failures to  
19 prevent harm that amount to punishment without due process, including where jail or  
20 prison officials are deliberately indifferent to detainees' medical needs.

21 60. As alleged above, the Deputy Defendants had actual knowledge of the beating  
22 of Mr. Rahmati while it was ongoing, and of his urgent need for medical care  
23 thereafter, based on their knowledge of the beating and of the likelihood that Mr.  
24 Rahmati had suffered serious injuries as a result.

25 61. Despite the Deputy Defendants having actual knowledge of Mr. Rahmati's  
26 serious injuries and his urgent need for medical care throughout the approximately  
27 three and a half hours following the beating, the Deputy Defendants took no action

1 whatsoever to provide medical care, or to secure the provision of medical care, to Mr.  
2 Rahmati during that time. This demonstrates deliberate indifference.

3 62. Moreover, despite the Deputy Defendants' awareness of the fact that Mr.  
4 Rahmati had been beaten and of his condition following the beating, the Deputy  
5 Defendants allowed Mr. Rahmati to remain, unaided, on the bathroom floor for  
6 approximately an hour and a half, and further allowed him to be dragged out of the  
7 bathroom and into the bunk area by other inmates/detainees, despite the potential for  
8 this to exacerbate Mr. Rahmati's injuries, further demonstrating deliberate  
9 indifference.

10 63. The Deputy Defendants were objectively indifferent to Mr. Rahmati's serious  
11 medical needs when they failed to ensure that prompt and adequate medical attention  
12 was provided to him upon being beaten as described herein. These actions and  
13 omissions on the part of these Defendants were sufficiently harmful to evidence  
14 deliberate indifference to Mr. Rahmati's serious and immediate medical needs, and  
15 the indifference to Mr. Rahmati's medical needs as alleged above was substantial.

16 64. The Deputy Defendants thus made intentional decisions regarding Mr.  
17 Rahmati's confinement as alleged above. These conditions put Mr. Rahmati at a  
18 substantial risk of suffering serious harm. The Deputy Defendants did not take  
19 reasonable measures to abate this risk despite obvious consequences of not treating  
20 Mr. Rahmati's injuries, and by not treating Mr. Rahmati's injuries, the Deputy  
21 Defendants caused Mr. Rahmati exacerbation of his injuries, further injury, extreme  
22 pain and suffering, and death.

23 65. Mr. Rahmati's medical need was serious, in that the failure to treat Mr.  
24 Rahmati's injuries resulted in Mr. Rahmati's death. His need was obvious, in that he  
25 was visibly beaten by other inmates/detainees.

26 66. Mr. Rahmati was entitled to receive necessary medical attention while in the  
27 care and custody of the COUNTY while detained/incarcerated at MCJ. In doing the



1 acts complained of, the Deputy Defendants deprived Mr. Rahmati of urgently needed  
2 medical care in violation of his rights under the Due Process Clause of the Fourteenth  
3 Amendment.

4 67. The Deputy Defendants knew that failure to provide timely medical treatment  
5 to Mr. Rahmati could result in Mr. Rahmati suffering further injury or dying, but  
6 disregarded that serious medical need, directly causing Mr. Rahmati great bodily  
7 harm, pain and suffering, and death.

8 68. Each of the several aforementioned actions and omissions of the Deputy  
9 Defendants along with other undiscovered conduct, shocks the conscience, in that they  
10 acted with deliberate indifference to the constitutional rights of Mr. Rahmati. The  
11 Deputy Defendants were deliberately indifferent to a substantial risk of serious harm  
12 to or serious medical needs of Mr. Rahmati. The Deputy Defendants' conduct served  
13 no legitimate penological purpose.

14 69. The Deputy Defendants are liable for the denial of medical care to Mr. Rahmati,  
15 and for his injuries and death, either because they were integral participants in the  
16 denial of medical care, or because they failed to intervene to prevent these violations.

17 70. As a direct and proximate result of the aforementioned conduct, Mr. Rahmati  
18 suffered injuries, including pain and suffering, and then died and lost his earning  
19 capacity.

20 71. The conduct of the Deputy Defendants was willful, wanton, malicious, and  
21 done with a reckless disregard for the rights and safety of Mr. Rahmati, and therefore  
22 warrants the imposition of exemplary and punitive damages as to these Defendants.

23 72. Plaintiff MASOUMEH MOTEVALLI ALAMOUTI brings this claim as  
24 successor-in-interest to Mr. Rahmati and seeks survival damages under this claim.  
25 Plaintiff seeks damages, including for Mr. Rahmati's pain and suffering, loss of life,  
26 loss of earning capacity, and loss of enjoyment of life. Plaintiff also seeks reasonable  
27 costs and attorney's fees under 42 U.S.C § 1988 on this claim.

**THIRD CLAIM FOR RELIEF**

**First/Fourteenth Amendment – Substantive Due Process, Interference with  
Familial Relations and Association (42 U.S.C. § 1983)**

**(By All Plaintiffs Against Defendants PULLEN, GARCIA, NOCHEZ,  
ORNELAS, LEYVA, WISE, GONZALEZ, MARSHALL, MAYBEE, and  
OGUNJUMO)**

73. Plaintiffs repeat and re-allege each and every allegation in the foregoing paragraphs of this Complaint with the same force and effect as if fully set forth herein.

74. Plaintiffs have a cognizable interest under the Due Process Clause of the Fourteenth Amendment to the United States Constitution to be free from state actions that deprive them of life, liberty, or property in such a manner as to shock the conscience, including but not limited to unwarranted state interference in their familial relationship with their son and brother, Mr. Rahmati. Plaintiffs also have a cognizable interest under the First Amendment to the United States Constitution to be free from state actions that unreasonably interfere with their familial relationship and association with their son and brother, Mr. Rahmati.

75. As alleged above, the Deputy Defendants had actual knowledge of the fact of the beating of Mr. Rahmati while was ongoing, yet failed to take necessary steps to protect Mr. Rahmati from harm, including by personally intervening in the ongoing beating of Mr. Rahmati by other inmates/detainees or by summoning other LASD or MCJ officials to intervene to stop the beating.

76. As alleged above, the Deputy Defendants also had actual knowledge of the fact that Mr. Rahmati had been beaten after the beating had ended, as well as of his resulting serious injuries and urgent need for medical care, yet failed to take necessary steps to ensure Mr. Rahmati received necessary medical care, including by personally responding to provide medical care or by summoning medical professionals to provide urgently needed treatment.

1 77. These actions of the Deputy Defendants, along with other undiscovered  
2 conduct, shock the conscience, in that the Deputy Defendants acted with deliberate  
3 indifference to the constitutional rights of Mr. Rahmati and Plaintiffs.

4 78. The Deputy Defendants thus violated the substantive due process rights of  
5 Plaintiffs to be free from unwarranted interference with their familial relationships  
6 with Mr. Rahmati, their son and brother.

7 79. As a direct and proximate result of the aforementioned conduct, Mr. Rahmati  
8 suffered injuries, including pain and suffering, and then died, losing his earning  
9 capacity. Also, as a direct and proximate cause of the acts of the Deputy Defendants,  
10 Plaintiffs suffered emotional distress, mental anguish, and pain. Plaintiffs have also  
11 been deprived of the life-long love, companionship, comfort, support, society, care,  
12 and sustenance of Mr. Rahmati, and will continue to be so deprived for the remainder  
13 of their natural lives.

14 80. The conduct of the Deputy Defendants was willful, wanton, malicious, and  
15 done with a reckless disregard for the rights and safety of Mr. Rahmati, and for the  
16 rights of Plaintiffs, and therefore warrants the imposition of exemplary and punitive  
17 damages as to these Defendants.

18 81. Plaintiffs bring these claims in their individual capacities and seek wrongful  
19 death damages under this claim, including for the loss of love, companionship,  
20 comfort, support, society, care, and sustenance of Mr. Rahmati. Plaintiffs also seek  
21 reasonable costs, funeral and burial expenses, and attorney's fees under 42 U.S.C  
22 § 1988.

23 **FOURTH CLAIM FOR RELIEF**

24 **Municipal Liability – Failure to Train (42 U.S.C. § 1983)**

25 **(By All Plaintiffs Against Defendant COUNTY)**

26 82. Plaintiffs repeat and re-allege each and every allegation in the foregoing  
27 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

1 83. The acts of the Deputy Defendants deprived Mr. Rahmati and Plaintiffs of their  
2 particular rights under the United States Constitution.

3 84. The Deputy Defendants acted under color of law.

4 85. On information and belief, Defendants COUNTY failed to properly and  
5 adequately train the Deputy Defendants on subject matters COUNTY knew the  
6 Deputy Defendants were virtually certain to have to address in the course of their  
7 work for COUNTY, including but not limited to protection of inmates/detainees from  
8 violence at the hands of other inmates/detainees and the provision of medical care to  
9 injured inmates/detainees.

10 86. The training policies of Defendant COUNTY were not adequate to train its  
11 deputies and correctional officers at LASD and the MCJ to handle the usual and  
12 recurring situations with which they must deal, including responding to inmate-on-  
13 inmate violence and the provision of prompt and adequate medical care. As stated  
14 above, while Mr. Rahmati was being beaten by other inmates/detainees, the Deputy  
15 Defendants did not engage in any type of response, whether by personally intervening  
16 to stop the beating or otherwise, and the Deputy Defendants also did not attempt to  
17 provide or summon medical care for Mr. Rahmati after he had been beaten and was  
18 critically injured. On information and belief, both of these critical omissions are clear  
19 violations of the policies of LASD and the MCJ, and Defendant COUNTY did not  
20 adequately train the Deputy Defendants with regard to said policies.

21 87. Defendant COUNTY was deliberately indifferent to the obvious consequences  
22 of its failure to train its officers adequately.

23 88. The failure of Defendant COUNTY to provide adequate training caused the  
24 deprivation of Plaintiffs' and Mr. Rahmati's rights by the Deputy Defendants; that is,  
25 Defendant COUNTY's failure to train is so closely related to the deprivation of  
26 Plaintiffs' and Mr. Rahmati's rights as to be the moving force that caused their  
27 ultimate injuries.

89. As a direct and proximate result of the aforementioned conduct, Mr. Rahmati suffered injuries, including pain and suffering, and then died, losing his earning capacity. As a direct and proximate cause of the acts of the Deputy Defendants, Plaintiffs suffered emotional distress, mental anguish, and pain. Plaintiffs have also been deprived of the life-long love, companionship, comfort, support, society, care, and sustenance of Mr. Rahmati, and will continue to be so deprived for the remainder of their natural lives. Accordingly, Defendants are liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

90. Plaintiff MASOUMEH MOTEVALLI ALAMOUTI brings this claim as successor-in-interest to Mr. Rahmati and seeks survival damages under this claim, including for Mr. Rahmati's pre-death pain and suffering, loss of life, loss of earning capacity, and loss of enjoyment of life. Plaintiffs MASOUMEH MOTEVALLI ALAMOUTI and MOSHEN RAHMATI also bring this claim in their individual capacities and seek wrongful death damages under this claim for Plaintiffs' loss of Mr. Rahmati's love, companionship, guidance, advice, and support. Plaintiffs also seek reasonable costs, funeral and burial expenses, and attorney's fees under 42 U.S.C. § 1988.

#### **FIFTH CLAIM FOR RELIEF**

##### **Municipal Liability – Unconstitutional Custom, Policy, or Practice**

**(42 U.S.C. § 1983)**

**(By All Plaintiffs Against Defendant COUNTY)**

91. Plaintiffs repeat and re-allege each and every allegation in the foregoing paragraphs of this Complaint with the same force and effect as if fully set forth herein.

92. The Deputy Defendants acted pursuant to an expressly adopted official policy or a longstanding practice or custom of Defendant COUNTY, including unconstitutional policies of not adequately monitoring video feeds of inmate/detainee areas in order to ensure protection of inmates/detainees from violence and provision of

1 urgently needed medical care; of failing to intervene in fights among and against  
2 inmates/detainees and instead to allow fights to continue until victims are severely  
3 injured or killed; of delaying or denying provision of medical care to  
4 inmates/detainees who are injured by other inmates/detainees; of allowing  
5 inmates/detainees to freely enter and exit bathroom areas at night and in early morning  
6 hours where they will not be adequately monitored by jail staff and thus are more  
7 easily subjected to violence by other inmates/detainees; failing to adequately monitor  
8 inmate/detainee bunk areas and bathrooms in order to prevent and intervene in to stop  
9 fights or attacks and in order to identify inmates/detainees who have been hurt; and of  
10 allowing overcrowding of jails and of bunk areas, including on the Fifth Floor of the  
11 MCJ, including by maintaining bunks that are stacked three beds high and are placed  
12 shoulder-width apart, enabling increased violence against inmates/detainees and  
13 resulting in further inadequate monitoring of inmates/detainees in bunk areas by jail  
14 staff.

15 93. On information and belief, the Deputy Defendants were not disciplined,  
16 reprimanded, retrained, suspended, or otherwise penalized in connection with Mr.  
17 Rahmati's death.

18 94. By reason of the aforementioned acts and omissions, Plaintiffs have suffered  
19 the loss of the love, companionship, affection, comfort, care, society, training,  
20 guidance, and past and future support of Mr. Rahmati. The aforementioned acts and  
21 omissions also caused Mr. Rahmati pain and suffering, loss of enjoyment of life, and  
22 death.

23 95. Defendant COUNTY, together with various other officials, whether named or  
24 unarmed, had either actual or constructive knowledge of the deficient policies,  
25 practices and customs alleged in paragraphs above. Despite having knowledge as  
26 stated above, these Defendants condoned, tolerated and through actions and inactions  
27 thereby ratified such policies. Said Defendants also acted with deliberate indifference

1 to the foreseeable effects and consequences of these policies with respect to the  
2 constitutional rights of Mr. Rahmati, Plaintiffs, and other individuals similarly  
3 situated.

4 96. Furthermore, the policies, practices, and customs implemented, maintained, and  
5 still tolerated by Defendant COUNTY were affirmatively linked to and were a  
6 significantly influential force behind the injuries of Mr. Rahmati and Plaintiffs.

7 97. By reason of the aforementioned acts and omissions, Plaintiffs have suffered  
8 loss of love, companionship, affection, comfort, care, society, training, guidance, and  
9 past and future support from Mr. Rahmati. The aforementioned acts and omissions  
10 also caused Mr. Rahmati's pain and suffering, loss of enjoyment of life, and death.  
11 Accordingly, Defendant COUNTY is liable to Plaintiffs for compensatory damages  
12 under 42 U.S.C. § 1983.

13 98. Plaintiff MASOUMEH MOTEVALLI ALAMOUTI brings this claim as  
14 successor-in-interest to Mr. Rahmati and seeks survival damages under this claim,  
15 including for Mr. Rahmati's pre-death pain and suffering, loss of life, loss of earning  
16 capacity, and loss of enjoyment of life. Plaintiffs MASOUMEH MOTEVALLI  
17 ALAMOUTI and MOSHEN RAHMATI also bring this claim in their individual  
18 capacities and seek wrongful death damages under this claim for Plaintiffs' loss of Mr.  
19 Rahmati's love, companionship, guidance, advice, and support. Plaintiffs also seek  
20 reasonable costs, funeral and burial expenses, and attorney's fees under 42 U.S.C. §  
21 1988.

## 22 **SIXTH CLAIM FOR RELIEF**

### 23 **Americans with Disabilities Act (42 U.S.C. § 12132)**

#### 24 **(By Plaintiff MASOUMEH MOTEVALLI ALAMOUTI Against All Defendants)**

25 99. Plaintiffs repeat and re-allege each and every allegation in the foregoing  
26 paragraphs of this Complaint with the same force and effect as if fully set forth herein.  
27



1 100. Mr. Rahmati was a “qualified individual” with a mental illness that  
2 substantially limited his ability to care for himself and control his mental health  
3 condition as defined under the Americans with Disabilities Act (“ADA”), 42 U.S.C.  
4 § 12131(2).

5 101. COUNTY is a covered entity for purposes of enforcement of the ADA as  
6 explained by regulations promulgated under that law.

7 102. Under the ADA, COUNTY is mandated to develop effective procedures for the  
8 care of mentally ill individuals in its custody, for interactions with individuals with  
9 mental disabilities, and to ensure the protection of these individuals’ personal and civil  
10 rights.

11 103. In enacting the ADA, Congress found that individuals with disabilities have  
12 been isolated and segregated, constituting a form of discrimination that is a pervasive  
13 social problem. 42 U.S.C. § 12101(a)(2).

14 104. COUNTY is mandated under the ADA not to discriminate against any qualified  
15 individual on the basis of disability in any services or facilities. 42 U.S.C. § 12182(a).

16 105. COUNTY and the Deputy Defendants violated the ADA by: (1) COUNTY  
17 failing to properly train its employees, including the Deputy Defendants and other  
18 LASD/MCJ staff, to respond with appropriate care to individuals with mental health  
19 impairments in its custody, including by providing protection to them from known  
20 risks of harm and by providing medical care they are known to need; and (2) the  
21 Deputy Defendants failing to follow procedures for intervention to prevent or stop  
22 attacks on mentally ill inmates/detainees who are especially vulnerable to harm or for  
23 the provision of medical care to mentally ill inmates/detainees who have been injured,  
24 including at the hands of other inmates/detainees.

25 106. As a direct and proximate result of Defendants’ acts and omissions as alleged  
26 above, Mr. Rahmati was caused to suffer severe pain and suffering and ultimately  
27 died. Also, as a direct and proximate result of Defendants’ conduct as alleged above,

1 Plaintiff has suffered emotional distress and mental anguish. Plaintiff also has been  
2 deprived of the life-long love, companionship, comfort, support, society, care and  
3 sustenance of Mr. Rahmati, and will continue to be so deprived for the remainder of  
4 her natural life.

5 107. Plaintiff brings this claim as successor-in-interest to Mr. Rahmati and in her  
6 individual capacity and seeks survival and wrongful death damages under this claim,  
7 including for Mr. Rahmati's pain and suffering, loss of life, loss of earning capacity,  
8 and loss of enjoyment of life, as well as for Plaintiff's loss of Mr. Rahmati's love,  
9 companionship, guidance, advice, and support. Plaintiff also seeks reasonable  
10 attorney's fees and costs under this claim.

### 11 **SEVENTH CLAIM FOR RELIEF**

#### 12 **Negligence – Wrongful Death and Survival**

13 **(By Plaintiff MASOUMEH MOTEVALLI ALAMOUTI Against All Defendants)**

14 108. Plaintiff repeats and re-alleges each and every allegation in the foregoing  
15 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

16 109. The Deputy Defendants were charged with a duty to use reasonable care to  
17 prevent harm or injury to others. This duty includes taking reasonable measures to  
18 prevent attacks on inmates/detainees in their custody, intervening to stop attacks on  
19 inmates/detainees in their custody, providing prompt and adequate medical care to  
20 injured inmates/detainees in their custody, identifying and handling medical issues,  
21 and otherwise protecting inmates/detainees from reasonably foreseeable harm.

22 110. Defendants COUNTY was charged with a duty to ensure the safety of  
23 inmates/detainees in its detention facilities, including MCJ. This duty includes  
24 training and requiring correctional staff, including the Deputy Defendants, to  
25 adequately monitor inmate/detainee areas, including bathrooms and bunk areas, to  
26 ensure inmates/detainees are not subjected to violence at the hands of other  
27 inmates/detainees; training and requiring correctional staff, including the Deputy

1 Defendants, to intervene and/or summon assistance to prevent or stop attacks against  
2 inmates/detainees in its custody; training and requiring correctional staff, including  
3 the Deputy Defendants, to provide or call for the provision of medical care to  
4 inmates/detainees in their custody who they know, or reasonably should know, are  
5 injured or are otherwise in need of urgent medical attention; and maintaining detention  
6 facilities that are adequate to maintain safety of inmates/detainees, including by not  
7 allowing overcrowding conditions and maintaining proper and adequate security  
8 measures in inmate/detainee areas, and in areas for known mentally ill and/or violent  
9 inmates/detainees in particular.

10 111. The Deputy Defendants and COUNTY breached their duty of care. The actions  
11 and inactions of the Deputy Defendants were negligent and reckless, including but not  
12 limited to, the complete failure to intervene or otherwise respond to prevent or stop  
13 the attack on Mr. Rahmati by other inmates/detainees in the bathroom despite their  
14 awareness of the attack while it was ongoing (and/or their negligent failure to monitor  
15 the bathroom area, including via the video feed, such as would have made them aware  
16 of the attack); and failure to provide or call for the provision of medical care for Mr.  
17 Rahmati for approximately three and a half hours after the attack had ended despite  
18 their awareness of the attack and Mr. Rahmati's resulting injuries and critical  
19 condition (and/or their negligent failure to monitor the bathroom area, including via  
20 the video feed, such as would have made them aware of the attack and Mr. Rahmati's  
21 resulting injuries).

22 112. The actions and inactions of the Deputy Defendants and COUNTY were further  
23 negligent and reckless, including but not limited to, these Defendants' failure to  
24 ensure the adequate monitoring of inmate/detainee areas at all times in order to  
25 prevent reasonably foreseeable violence by, against, and among mentally ill  
26 inmates/detainees housed in extremely close quarters; COUNTY's failure to ensure  
27 adequate staffing at MCJ, including on the Fifth Floor, in order to ensure adequate

1 monitoring and protection of inmates/detainees and to ensure timely provision of  
2 medical care to injured inmates/detainees; COUNTY's failure to ensure  
3 inmate/detainee housing areas are not overcrowded, so as to prevent or reasonably  
4 limit fights and/or other violence that is reasonably foreseeable when  
5 inmates/detainees are housed in extremely close quarters, particularly when those  
6 inmates/detainees are known by COUNTY and its staff to suffer from severe mental  
7 illnesses; COUNTY's failure to ensure inmate/detainee housing areas are not  
8 overcrowded, so as to enable adequate monitoring of inmate/detainee areas in order to  
9 adequately prevent or stop violent attacks on inmates/detainees and in order to provide  
10 timely medical care to those who are injured; COUNTY's failure to adequately train  
11 jail staff, including MCJ staff, to prevent and stop violence by, against, and among  
12 inmates/detainees; and COUNTY's failure to adequately train jail staff, including  
13 MCJ staff, to provide or summon timely medical care for injured inmates/detainees.  
14 Moreover, COUNTY failed to ensure that adequate numbers of employees with  
15 appropriate education and training were available to meet the needs of and protect the  
16 rights of Mr. Rahmati.

17 113. As a direct and proximate result of Defendants' conduct as alleged above, and  
18 other undiscovered negligent conduct, Mr. Rahmati was caused to suffer severe pain  
19 and suffering and ultimately died. Also, as a direct and proximate result of  
20 Defendants' conduct as alleged above, Plaintiff has suffered emotional distress and  
21 mental anguish. Plaintiff also has been deprived of the life-long love, companionship,  
22 comfort, support, society, care and sustenance of Mr. Rahmati, and will continue to be  
23 so deprived for the remainder of her natural life.

24 114. COUNTY is vicariously liable for the wrongful acts of the Deputy Defendants  
25 pursuant to section 815.2(a) of the California Government Code, which provides that a  
26 public entity is liable for the injuries caused by its employees within the scope of  
27 employment if the employee's act would subject him or her to liability.

1 115. Plaintiff brings this claim as successor-in-interest to Mr. Rahmati and in her  
2 individual capacity and seeks survival and wrongful death damages under this claim,  
3 including for Mr. Rahmati's pain and suffering, loss of life, loss of earning capacity,  
4 and loss of enjoyment of life, as well as for Plaintiff's loss of Mr. Rahmati's love,  
5 companionship, guidance, advice, and support.

6 **EIGHTH CLAIM FOR RELIEF**

7 **Failure to Summon Medical Care (Cal. Gov. Code § 845.6)**

8 **(By Plaintiff MASOUMEH MOTEVALLI ALAMOUTI Against All**  
9 **Defendants)**

10 116. Plaintiffs repeat and re-allege each and every allegation in the foregoing  
11 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

12 117. Pursuant to California Government Code Section 845.6, a public employee, and  
13 the public entity where the employee is acting within the scope of his employment, is  
14 liable if the employee knows or has reason to know that the inmate or prisoner is in  
15 need of immediate medical care and he fails to take reasonable action to summon such  
16 medical care.

17 118. The Deputy Defendants were aware of Mr. Rahmati's medical emergency, in  
18 that the Deputy Defendants were aware of the beating of Mr. Rahmati by other  
19 inmates/detainees both while the beating was occurring and during the three and a half  
20 hours thereafter, and were aware Mr. Rahmati was seriously injured and in urgent  
21 need of medical care. In other words, as alleged above, Mr. Rahmati's medical  
22 emergency was obvious. Defendants are not entitled to immunity where the inmate is  
23 in obvious need of medical care.

24 119. Despite the Deputy Defendants' actual knowledge that Mr. Rahmati was in  
25 need of immediate medical and mental care as alleged above, these Defendants failed,  
26 for approximately three and a half hours, to (1) conduct any medical assessment of  
27 Mr. Rahmati or call for one to be conducted; (2) summon immediate emergency

1 medical assistance for Mr. Rahmati, both during the time when he was being beaten  
2 by other inmates/detainees and thereafter; or (3) order that Mr. Rahmati be  
3 immediately transported to a hospital or other medical care facility where Mr.  
4 Rahmati could receive urgently needed treatment.

5 120. COUNTY is vicariously liable for the wrongful acts of the Deputy Defendants  
6 pursuant to Section 815.2(a) of the California Government Code, which provides that  
7 a public entity is liable for the injuries caused by its employees within the scope of  
8 employment if the employee's act would subject him or her to liability. California  
9 Government Code Section 820(a) further states that except as otherwise provided by  
10 statute (including Section 820.2), a public employee is liable by his act or omission to  
11 the same extent as a private person. Pursuant to California Government Code Section  
12 844.6, a public employee or the government entity is not immune from liability for  
13 injury proximately caused by its employee's negligent conduct, and specifies that a  
14 public entity has a duty to pay a judgment. Moreover, a public employee, and the  
15 public entity where the employee is acting within the scope of his employment, is  
16 liable if the employee knows or has reason to know that the inmate is in need of  
17 immediate medical care and he fails to take reasonable action to summon such  
18 medical care.

19 121. As a direct and proximate result of the aforementioned conduct, Mr. Rahmati  
20 suffered injuries, including pain and suffering, and then died, losing his earning  
21 capacity. Also, as a direct and proximate cause of the acts of Defendants as alleged  
22 above, Plaintiff has suffered emotional distress and mental anguish. Plaintiff also has  
23 been deprived of the life-long love, companionship, comfort, support, society, care  
24 and sustenance of Mr. Rahmati, and will continue to be so deprived for the remainder  
25 of her natural life.

26 122. Plaintiff brings this claim as successor-in-interest to Mr. Rahmati and in her  
27 individual capacity and seeks survival and wrongful death damages under this claim,

1 including for Mr. Rahmati's pain and suffering, loss of life, loss of earning capacity,  
2 and loss of enjoyment of life, as well as for Plaintiff's loss of Mr. Rahmati's love,  
3 companionship, guidance, advice, and support.

4 **NINTH CLAIM FOR RELIEF**

5 **Bane Act (Cal. Gov. Code § 52.1)**

6 **(By Plaintiff MASOUMEH MOTEVALLI ALAMOUTI Against All**

7 **Defendants)**

8 123. Plaintiffs repeat and re-allege each and every allegation in the foregoing  
9 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

10 124. California Civil Code Section 52.1 ("the Bane Act"), prohibits any person from  
11 intentionally interfering with another person's constitutional rights. An intent to  
12 violate a person's constitutional rights can be shown by a reckless disregard for that  
13 person's constitutional rights.

14 125. Here, the Deputy Defendants acted with reckless disregard for Mr. Rahmati's  
15 constitutional rights as set forth above. In particular, these Defendants had specific  
16 knowledge of the fact that Mr. Rahmati was being beaten by other inmates/detainees  
17 while the beating was occurring, and knew that it had occurred thereafter, but failed to  
18 take action to protect him or to provide him urgent medical care that he obviously  
19 needed, demonstrating reckless disregard for Mr. Rahmati's substantive due process  
20 rights.

21 126. When the Deputy Defendants engaged in their misconduct and inactions as  
22 alleged above—including failing to intervene to stop Mr. Rahmati from being beaten  
23 and failing to provide him medical care afterward—these Defendants acted with  
24 reckless disregard for Mr. Rahmati's constitutional rights, including his constitutional  
25 rights to be protected from violence at the hands of other inmates/detainees and to  
26 timely and adequate medical attention.



1 127. The conduct of the Deputy Defendants as alleged above was a substantial factor  
2 in causing Plaintiff's and Mr. Rahmati's harms, losses, injuries, and damages.

3 128. COUNTY is vicariously liable for the wrongful acts of the Deputy Defendants  
4 pursuant to section 815.2(a) of the California Government Code, which provides that a  
5 public entity is liable for the injuries caused by its employees within the scope of the  
6 employment if the employee's act would subject him or her to liability.

7 129. The conduct of the Deputy Defendants was malicious, wanton, oppressive, and  
8 accomplished with a conscious disregard for Mr. Rahmati's and Plaintiff's rights,  
9 justifying an award of exemplary and punitive damages as to these Defendants.

10 130. As a direct and proximate result of the aforementioned conduct, Mr. Rahmati  
11 suffered injuries, including pain and suffering, and then died, losing his earning  
12 capacity. Also, as a direct and proximate cause of the acts of the Deputy Defendants  
13 as alleged above, Plaintiff has suffered emotional distress and mental anguish.  
14 Plaintiff also has been deprived of the life-long love, companionship, comfort,  
15 support, society, care and sustenance of Mr. Rahmati, and will continue to be so  
16 deprived for the remainder of her natural life.

17 131. Plaintiff brings this claim as successor-in-interest to Mr. Rahmati and seeks  
18 survival under this claim, including for Mr. Rahmati's pain and suffering, loss of life,  
19 loss of earning capacity, and loss of enjoyment of life. Plaintiff also seeks reasonable  
20 costs, and funeral and burial expenses on this claim. Under the provisions of Cal. Civ.  
21 Code § 52, Defendants are also liable for reasonable attorney's fees and a civil  
22 penalty, including a multiplier.

23  
24 ///

25  
26 ///

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request entry of judgment in their favor and against Defendants COUNTY OF LOS ANGELES, YVONNE PULLEN, RYAN GARCIA, BRISEIDA NOCHEZ, RENE AGUILAR ORNELAS, JOEL LEYVA, ANDREW WISE, JASON GONZALEZ, BART MARSHALL, MICHAEL MAYBEE, and OLUWASANMI OGUNJUMO, as follows:

- (a) For compensatory damages and whatever other amount may be proven at trial, including both survival damages and wrongful death damages under federal and state law;
- (b) For funeral and burial expenses, and loss of financial support;
- (c) For pre-death pain and suffering, loss of life, and loss of enjoyment of life according to proof at trial;
- (d) For punitive damages against the individual Defendants in an amount to be proven at trial;
- (e) For statutory damages;
- (f) For interest;
- (g) For reasonable attorney's fees, including litigation expenses;
- (h) For costs of suit; and
- (i) For such further other relief as the Court may deem just, proper, and appropriate.

DATED: April 10, 2025

LAW OFFICES OF DALE K. GALIPO

By: /s/ Dale K. Galipo  
Dale K. Galipo  
Benjamin S. Levine  
*Attorneys for Plaintiffs*

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury on all issues.

Respectfully Submitted,

DATED: April 10, 2025

LAW OFFICES OF DALE K. GALIPO

By: /s/ Dale K. Galipo  
Dale K. Galipo  
Benjamin S. Levine  
*Attorneys for Plaintiffs*